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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ESTRADA, ANGEL R

ART UNIT PAPER NUMBER

2831

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,655

Applicant(s)

ROESCH ET AL. *AL*

Examiner

Angel R. Estrada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08/12/02.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 2-24 and 26-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2-4, 9-11, 17, 18, 22-24, 26 and 32-41 is/are allowed.
- 6) ☐ Claim(s) 5-8, 12-16, 19, 20 and 27-31 is/are rejected.
- 7) ☐ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 5-8, 20, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hyde (US 6,376,770).

Regarding claim 5, Hyde discloses a gangable electrical unit (see figure 1) comprising a bracket (200) including a wall structure that defines a front opening (see figure 1 and 26); and at least one clip (206) capable of mounting the wall structure of the bracket (200) on a wall of an electrical box (see figure 26); with the clip (206) extending outwardly from the front opening of the wall structure of the bracket (see figure 26) and said bracket can be configured to engage a wall of an electrical outlet box (not shown, but the bracket 220 can represent a sidewall of a outlet box).

Note: this recitation “ *for positioning an electrical component beside and electrical outlet box*” has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and

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the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

Regarding claim 6, Hyde discloses the gangable electrical unit (see figure 1), wherein the clip (206) can be configured to wrap around and grasp a front edge of an electrical outlet box (see figure 26).

Regarding claim 7, Hyde discloses the gangable electrical unit (see figure 1), wherein said clip (206) is resilient.

Regarding claim 8, Hyde discloses the gangable electrical unit (see figure 1), wherein the clip (206) is two such clips (see figure 1 and 26), said clips being spaced apart relative to one another (see figure 1 and 26).

Regarding claim 20, Hyde discloses the gangable electrical unit (see figure 1) comprising a bracket (200) including a wall structure that defines a front opening (see figure 1) and at least one clip coupled to the wall structure and extending outwardly from the front opening of the wall structure, said clips being configured to grasp a wall of an electrical outlet box (not shown, but the bracket 220 can represent a sidewall of a outlet box).

Note: this recitation “*for positioning an electrical component beside and electrical outlet box*” has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the

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structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

Regarding claim 27, Hyde discloses the gangable electrical unit (see figure 1), comprising an electrical outlet box (not shown having a wall (220) for contacting the gangable electrical unit (see figure 27), with the gangable electrical unit attached to the electrical outlet box (not shown, but the bracket 220 can represent a sidewall of a outlet box) by the clips (see figure 28).

Regarding claim 28, Hyde discloses the gangable electrical unit (see figure 1), wherein the electrical outlet box (not shown, but the bracket 220 can represent a sidewall of a outlet box) has a wall structure that defines an outer periphery, and, when adjoined with the gangable electrical unit, the ganged electrical outlet box assembly has a continuous, rectangular outer periphery (see figure 28).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12-16, 19 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde (US 6,376,770) in view of Reiker (US 5,677,512).

Regarding claim 12, Hyde discloses the claimed invention except for an adhering element coupled to the wall structure of the bracket, said adhering element being positioned to adhere the bracket to a wall of an electrical outlet box. Reiker discloses an electrical box outlet (10) including a wall structure that defines a front opening (see figure 1) and an adhering element (32) coupled to the wall structure, said adhering element (32) being positioned to adhere the box (10) to a wall (see figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Hyde's bracket with an adhering element coupled to the wall structure as taught by Reiker in order to improve the connection between the bracket and the outlet box.

Regarding claims 13, the modified Hyde discloses the electrical gangable unit (see figure 1) wherein the wall structure of the bracket (200) including a top wall, a bottom wall (see figure 1 and 26), an attachment side wall (202), and the adhering element (32 as taught by Reiker) being attached to the attachment side wall (202), and an open back (see figure 1 and 26 of Hyde) said clips (206) and adhering element (32

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of Reiker) together can adjoining the bracket (200 of Hyde) to an electrical outlet box (see figure 1 and 26).

Regarding claim 14, Hyde discloses a gangable electrical unit (see figure 1) comprising a bracket (200) for housing an electrical component (10); said bracket including a wall structure that defines a front opening (see figure 1 and 26); but Hyde lacks an adhering element positioned on the wall structure of the ganged electrical unit, said adhering element positioned to engage the wall of the electrical outlet box. Reiker discloses an electrical box outlet (10) including a wall structure that defines a front opening (see figure 1) and an adhering element (32) coupled to the wall structure, said adhering element (32) being positioned to adhere the box (10) to a wall (see figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Hyde's bracket with an adhering element positioned on the wall structure as taught by Reiker in order to improve the connection between the bracket and the outlet box.

Note: this recitation "*for positioning an electrical component beside and electrical outlet box*" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

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Regarding claim 15, the modified Hyde discloses the gangable unit wherein the wall structure of the bracket (200) including a top wall, a bottom wall (see figure 1 and 26), an attachment side wall (202), and the adhering element (32 as taught by Reiker) being attached to the attachment side wall (202).

Regarding claim 16, Hyde discloses the gangable electrical unit (see figure 1), wherein the wall structure of the bracket (200) includes three walls that partially surround the front opening (see figure 1 and 26).

Regarding claim 19, Reiker discloses the adhering element (24) is a double side adhesive tape (column 3 line 29-30).

Regarding claim 29, Hyde discloses the claimed invention except for an adhering element positioned on the wall structure of the ganged electrical unit, said adhering element positioned to engage the wall of the electrical outlet box. Reiker discloses an electrical box outlet (10) including a wall structure that defines a front opening (see figure 1) and an adhering element (32) coupled to the wall structure, said adhering element (32) being positioned to adhere the box (10) to a wall (see figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Hyde's bracket with an adhering element positioned on the wall structure as taught by Reiker in order to improve the connection between the bracket and the outlet box.

Regarding claim 30, the modified Hyde discloses the ganged electrical outlet box assembly (see figure 1) comprising: the gangable electrical unit (200); an electrical outlet box (10) having a four-sided wall structure defining a front opening (see figure 1),

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said electrical outlet box wall structure having an outer periphery and an interior, said interior for receiving an electrical component (see figure 1), where the gangable electrical unit (200) can be attached to the electrical outlet box (10) by the adhering element (32 as taught by Reiker).

Regarding claim 31, Reiker discloses the adhering element (24) is a double side adhesive tape (column 3 line 29-30).

Allowable Subject Matter

3. Claims 2, 3, 4, 9-11, 17, 18, 22, 23, 24, 26, and 32- 41 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 2, 3, 4, 9-11, 17, 18, 22, 23, 24, 26, and 32- 41

Regarding claims 2, 3, 23 and 26 is the inclusion therein in combination as currently claimed of the limitation of a stop extending outwardly from the wall structure of the bracket, said stop including a weakened portion positioned between the stop and the wall structure, wherein the stop is configured to be broken away from the wall structure of the bracket with the application of a force sufficient to break the weakened portion.

Regarding claims 4 and 24 is the inclusion therein in combination as currently claimed of the limitation of a the wall structure includes a top wall, a bottom wall, and an attachment side wall, with corners formed between the top and bottom walls and the

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attachment side wall, wherein the corners are radiused in order to provide a gap for accepting a fastener head when the wall bracket is coupled to an electrical outlet box.

Regarding claims 9-11 is the inclusion therein in combination as currently claimed of the limitation of said clip is L-shaped, with a first leg of the L-shaped clip being attached to the wall structure of the bracket and extending perpendicularly away from said wall structure, and a second leg of the L shaped clip, extending perpendicularly away from the first leg of the clip, said second leg configured to engage an inner surface of a wall of an electrical outlet box.

Regarding claim 17 is the inclusion therein in combination as currently claimed of the limitation of one of the walls of the bracket being a partial side wall, said partial side wall having a front edge that is spaced from the front opening to define an opening in the partial side wall, wherein the adhering element is positioned on the partial side wall.

Regarding claim 18 is the inclusion therein in combination as currently claimed of the limitation of the wall structure of the bracket including a partial side wall, only a portion of which extends to the front opening, and further comprising a pair of clips that extend outwardly from the front opening of the bracket from the partial side wall, said clips being configured to engage a wall structure of an electrical outlet box.

Regarding claim 22 is the inclusion therein in combination as currently claimed of the limitation of the self-centering portion being a protrusion that extends from the clip, said protrusion being configured to abut a wall of an electrical outlet box.

Regarding claims 32-38 is the inclusion therein in combination as currently claimed of the limitation an apparatus comprising: a bracket structure having a front

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edge defined by three complete sides with a front edge being interrupted by a lack of a fourth complete side, and said three-sided front edge together define a four-sided opening for access to a low voltage electrical line at said routing portion.

Regarding claim 41 is the inclusion therein in combination as currently claimed of the limitation of a stop coupled to the wall structure of the bracket along a weakened portion that is positioned between the stop and the wall structure, wherein the stop is configured to be broken away from the wall structure of the bracket with the application of a force sufficient to break the weakened portion.

These limitations were found in claims 2, 3, 4, 9-11, 17, 18, 22, 23, 24, 26, and 32- 41, and are neither disclosed nor taught by the prior art of record, alone or in combination.

4. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claim 21:

Regarding claim 21 is the inclusion therein in combination as currently claimed of the limitation of the clip including a self centering portion for centering the bracket on an electrical outlet box.

Response to Arguments

5. Applicant's arguments with respect to claims 5-8, 12-16, 19, 20, 27, 28 and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for after final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

November 1st 2002.

Dean A. Reichard 11/4/02